

IN THE HIGH COURT OF JUDICATURE AT BOBBY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3380 OF 2003

IN
CRI. WRIT PETITION NO. 178 OF 1992

Qadir Mehboob Shaikh ..Applicant.

V/s.
Balwant Nagendra Vishwamitra & Ors. ..Respondents.

Shri R. S. Datar for the Applicant.
Shri B. H. Mehta, APP for Respondent No.2 -State.
Shri V.T. Lulia for Respondent No.1.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 14, 2005

PC :-

. Heard counsel for the parties. Perused the record. The explanation offered in the application in para -2, to my mind, is satisfactory. Assuming that the mistake has been committed by the Advocate that should not be the basis to penalise the litigant. In the interest of justice, therefore, the application deserves to be granted in terms of prayer clauses (a),(b) and (c) on a condition that the Applicant shall pay cost to the Respondent No.1, who is contesting this application, in the sum of Rs. 1000/- within one week from today. Failing which, the order, dismissing the writ petition for default shall stand. The cost be

paid to the counsel for the Respondent No.1 by bankers cheque drawn in favour of Respondent No.1 within the specified time.

. Writ Petition No. 178/1992 be placed for hearing as per its turn in the week commencing from 28th February, 2005, if cost is paid in time.

. Ordered accordingly.

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